

BILL NO. Z-97-07-22

ZONING MAP ORDINANCE NO. Z-04-97

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. F-2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-3-B (General Business)

District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana of 1974:

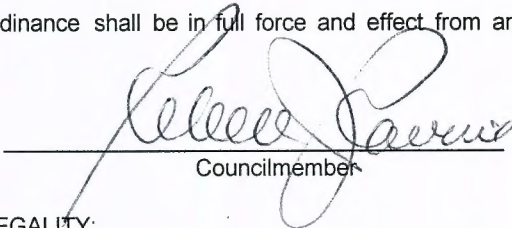
The East 53.5 feet of the North 305 feet of the Northeast Quarter of Section 7, Township 30 North,
Range 12, East, in Allen County, Indiana;

ALSO, the West 69.5 feet of the North 305 feet of the Northwest Quarter of Section 8, Township 30
North, Range 12 East, in Allen County, Indiana;

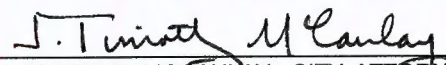
The subject parcel has an actual width as held by possession lines of 181.9 feet and contains 0.681
acres, more or less.

and the symbols of the City of Fort Wayne Zoning Map No. F-2, as established by Section 157.016 of Title
XV of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and
approval by the Mayor.


Councilmember

APPROVED AS TO FORM AND LEGALITY:


J. TIMOTHY MCCAULEY, CITY ATTORNEY

Read the first time in full and on motion by Pamie,
and duly adopted, read the second time by title and referred to the Committee on
Legislation, (and the City Plan Commission for recommendation)
and Public Hearing to be held after due legal notice, at the Common Council Conference
Room 128, City-County Building, Fort Wayne, Indiana, on
the _____ day of _____, 19____, at
o'clock _____ M., E.S.T.

DATED: 7-22-97

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Pamie,
and duly adopted, placed on its passage. PASSED
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>6</u>			<u>3</u>
BENDER	<u>✓</u>			
CRAWFORD				<u>✓</u>
EDMONDS				<u>✓</u>
HALL	<u>✓</u>			
HAYHURST	<u>✓</u>			
HENRY	<u>✓</u>			
LUNSEY				<u>✓</u>
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			

DATED: 8-12-97

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana,
as (ANNEXATION) ~~(APPROPRIATION)~~ (GENERAL) ~~(SPECIAL)~~

(ZONING) ORDINANCE RESOLUTION NO. 2-04-97
on the 12th day of August, 1997

ATTEST: Sandra E. Kennedy SEAL Thomas P. Helmke
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the
12th day of August, 1997,
at the hour of 3:00, o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day
of August, 1997, at the hour of 3:30
o'clock _____ M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR



Petition for a Zoning Map Amendment

Community & Economic Development / 1 Main Street Rm #830 / Fort Wayne IN 46802 / (219) 427-1129

#18554

I/We J.R. Tomkinson, President, Tomkinson Dodge Inc.

5321 Illinois Rd.
do hereby petition to amend the Zoning Map of the City of Fort Wayne Indiana, by reclassifying from designation

a/an: RA

to a/an: B3B

designation the property located at the common street address of: 5319 Illinois Rd. F.W. 04

and further described as follows: See attached survey

(Please attach a legal description if more space is needed.)

The purpose of this rezoning is to permit the use of the property for the following: property will be combined into the current Tomkinson Dodge property left over to be used for additional display area.

Property Owner(s) Name(s): Mary VAUGHT

Street Address: 5319 Illinois Rd.

City: Fort Wayne State: IN

Zip Code: 46804 Phone: _____

I/We the undersigned, do hereby certify that I am/We are the owner(s) of more than fifty percent (50%) of the property described in this petition; that I/We agree to abide by all provisions of the Fort Wayne Zoning Ordinance as well as all procedures and policies of the Fort Wayne City Plan Commission as relating to the handling and disposition of this petition; and that the above information is true and accurate to the best of my/our knowledge.

Mary Vaught
Signature

Mary VAUGHT
Printed Name

6/16/97
Date

Signature

Printed Name

Date

Signature

Printed Name

Date

Notes to the Applicant:

- If additional space is needed for either a legal description, or property owners names addresses and signatures, please attach same to this form.
- All requests and deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice being submitted to the newspaper for publication.
- Filing of this petition grants the City of Fort Wayne permission to post "Official Notice" on the petitioned property. Failure to post, or to maintain posting may prevent the public hearing from being held.
- All checks should be made payable to: CITY OF FORT WAYNE.

Name and Address of preparer, attorney or agent.

J.R. Tomkinson Pres.
Tomkinson Dodge Inc.
5321 Illinois Rd. F.W. 04

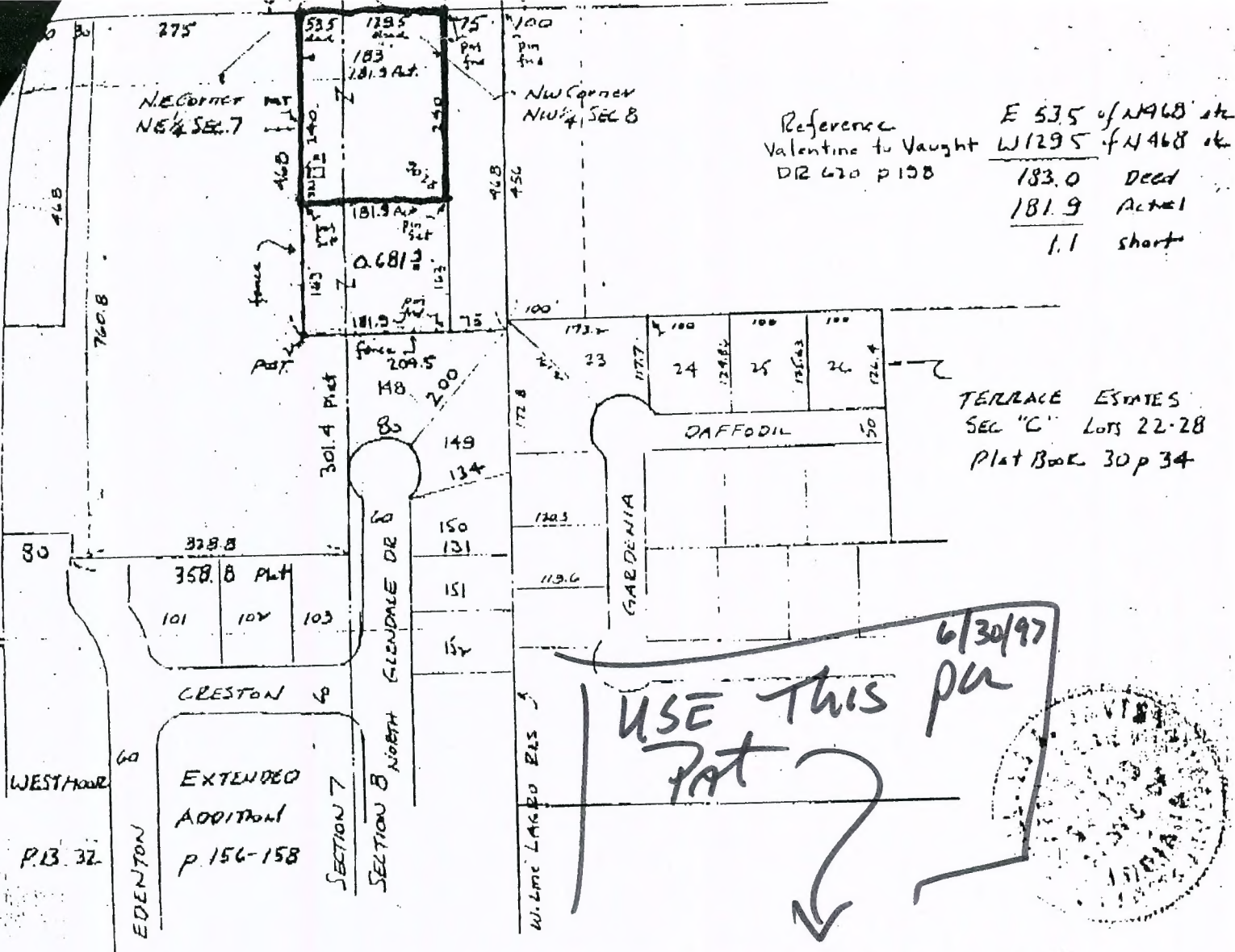
436-9000
Telephone Number

Receipt #: _____

Date Filed: _____

Map #: _____

Reference #: _____



305 The East 53.5 feet of the South 163.0 feet of the North 468.0 feet of the Northeast Quarter of Section 7, Township 30 North, Range 12 East, in Allen County, Indiana;

305 ALSO, the West 129.5 feet of the South 163.0 feet of the North 468.0 feet of the Northwest Quarter of Section 8, Township 30 North, Range 12 East, in Allen County, Indiana;

The subject parcel has an actual width as held by possession lines of 181.9 feet and contains 0.681 acres, more or less.

NOTE: The location of the brass plug found in the center-line of Illinois Road defining the corner common to the Northeast corner of said Section 7 and the Northwest corner of Section 8 does not correspond to the deed dimensions in Deed Record 620, page 198, as on the above drawing hereon indicated.

IN WITNESS WHEREOF, I place my hand and
seal, this 29th day of August, 1972

Wm S. Davis

RESOLUTION OF ZONING MAP AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 11, 1997 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-97-07-22; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 21, 1997.

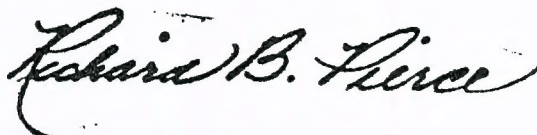
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a **DO PASS** recommendation based on the Commission's following "Findings of Fact".

- 1) Approval of the request will be in substantial compliance with the City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. Approval will allow an expansion of an existing business on property that was previously used for commercial purposes. This growth is encouraged by the Comprehensive Plan.
- 2) Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area. The predominant uses in the area are commercial. The intent of this petition is to combine this acreage with the existing dealership, providing additional display area.
- 3) Approval is consistent with the preservation of property values in the area. The Illinois Road frontage is predominantly commercial. The intended use should blend in with the area, and is consistent with existing uses.
- 4) Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. Infrastructure is in place to support commercial uses along this section of Illinois Road.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 21, 1997.

Certified and signed this
31st day of July 1997.



Richard Pierce
Secretary

FACT SHEET

4-91-01-22

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

Zoning Map Amendment

APPROVAL DEADLINE

REASON

From RA to B3B

DETAILS

Specific Location and/or Address

5319 Illinois Rd

Reason for Project

Expansion of business.

Discussion (Including relationship to other Council actions)

21 July 1997 - Public Hearing

(See Attached Minutes of Meeting)

28 July 1997 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the eight (8) members present, seven (7) voted in favor of the motion, the Chair did not vote.

Motion Carried

Members Present: Jim Dearing, Ernest Evans, DeDe Hall, James Hoch, Charles McNagny, Richard Pierce, Thomas Quirk, Dave Ross

Member Absent: Linda Buskirk

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/ Proponents

Applicant(s)
Tomkinson Dodge Inc

City Department

Other

Opponents

Groups or Individuals
Nancy Gfell, 1819 N Glendale
Pres, Westmoor Assn

Basis of Opposition
- concerned that the B3B zone
would allow for more detri-
mental uses in the area, if
the car dealership moved

Staff Recommendation

☒ For ☐ Against

Reason Against

Board or Commission Recommendation

By

☒ For ☐ Against
☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL ACTIONS (For Council use only)

☐ Pass ☐ Other

☐ Pass (as
amended) ☐ Hold

☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 17 June 1997

Projected Completion or Occupancy Date 30 July 1997

Fact Sheet Prepared by Patricia Biancaniello Date 30 July 1997

Reviewed by  Date 4 August 1997

Reference or Case Number

- b. Bill No. Z-97-07-22 - Change of Zone #631
From RA to B-3-B
5319 Illinois Road

Glen Reimink, secretary/treasurer of Tomkinson Dodge, appeared before the Commission. Mr. Reimink stated that they wanted to purchase this parcel, which is directly east of their current dealership, and incorporate it into their dealership.

Dave Ross questioned if there was anything currently on the property.

Mr. Reimink stated that there is a house that will be razed if the property is rezoned.

Mr. Ross questioned if they were looking at extending the building.

Mr. Reimink stated that they are intending to extend the building but it will be extended south and not east on this property.

DeDe Hall questioned if they would be seeking any curb cuts on Illinois Road.

Mr. Reimink stated that he did not feel they would have any need for curb cuts from this particular property. He stated that they were informed that as Illinois Road is further developed a frontage road will be going along this property.

Jim Dearing questioned if that frontage road would be city funded.

Dave Ross stated that they are planning to do improvements to Illinois Road. He stated that the frontage road will not be city funded it will be extended by the developer buying the lot.

Mr. Reimink stated that the property is surrounded by commercial uses. He stated that their business is to the west of this property and on the east and south sides is the Ewing Nursery.

Dave Kreischer, 1819 N Glendale Drive, appeared before the Commission. Mr. Kreischer stated that they are concerned about additional light and noise. He stated that they are not really opposed to the change of zoning. He stated that they (Tomkinson's) were supposed to put some trees to hide the existing business and to buffer the noise. He stated that the trees that they planted have never really grown. He stated that they did not cut the grass, until he wrote them a letter.

In rebuttal, Mr. Reimink stated that they are probably guilty of the sound. He stated that he is assuming the houses are to the south of the business. He stated that they do have speakers on the back of their present building. He stated that he is not aware of the trees. He stated that the dealership, Tomkinson Dodge, is owned by Chrysler Realty Corporation. He stated that they lease the property from them. He stated that it may be his fault for not finding out about the trees, he stated he is not aware of where the association wants trees and felt he should ask them. He stated that this property in question is some distance from the houses. He stated that Ewing Nursery goes back behind the property for several hundred feet, it is a buffer between the dealership and the houses behind them. He stated that they would probably propose to light the new property the way the current property is lighted. He stated that he would guess the problem is with the back of the dealership of their present location, rather than this lot proposed for rezoning.

Nancy Gfell, 1415 Edenton Drive, President of the Westmoor Housing Addition, appeared before the Commission. Mr. Gfell stated that her concern is that the B3B would allow for other uses that would be detrimental to the area. She requested some kind of covenant that would limit the use of the property to only the car dealership.

Pat Fahey, Senior Planner, with C&ED, stated that the applicant may be able to voluntarily propose a covenant that would limit it to certain uses. He stated that would be how it would have to be done. He

stated that those covenants would not run with the Plan Commission.

Linda Buskirk questioned why they were in need of the B3B zoning as opposed to a B1B zoning.

Mr. Fahey stated that the ordinance requires a B3B classification for an auto dealership. It would not be allowed under the B1B classification.

Linda Buskirk questioned if the project would require a development plan before any construction takes place.

Mr. Fahey stated that if they are only going to use it for the storage of vehicles, it would require a parking lot permit. He stated that the permit would be routed by the Right-of-Way Department through a number of different engineering departments. He stated that there would not be a development plan requirement. He stated that if they do add on to the building, the plans would go through commercial routing and it would be reviewed by the Storm Drainage Engineering Department. He stated that either way that the site is developed, storm drainage will be one of the things that will be looked at as part of the engineering review.

Diane Lemrick, past president of the Westmoor Community Association appeared before the Commission. Ms. Lemrick stated that there has been a covenant entered into between Chrysler and Westmoor Park and she questioned if that would have any impact on the proposed changes. She stated that she is also concerned about the drainage. She stated that a parking lot in that area will cause a lot of water runoff.

Linda Buskirk stated that if the covenant is between the Association and the Chrysler Dealership then they would need to address the covenant directly to Chrysler.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

ORIGINAL

ORIGINAL

#631

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 5319 Illinois Rd

2-97-07-22

EFFECT OF PASSAGE Property is currently zoned RA -

Residential "A" District. Property will be zoned B3B - General
Business District.

EFFECT OF NON-PASSAGE Property will remain zoned RA -

Residential "A" District.

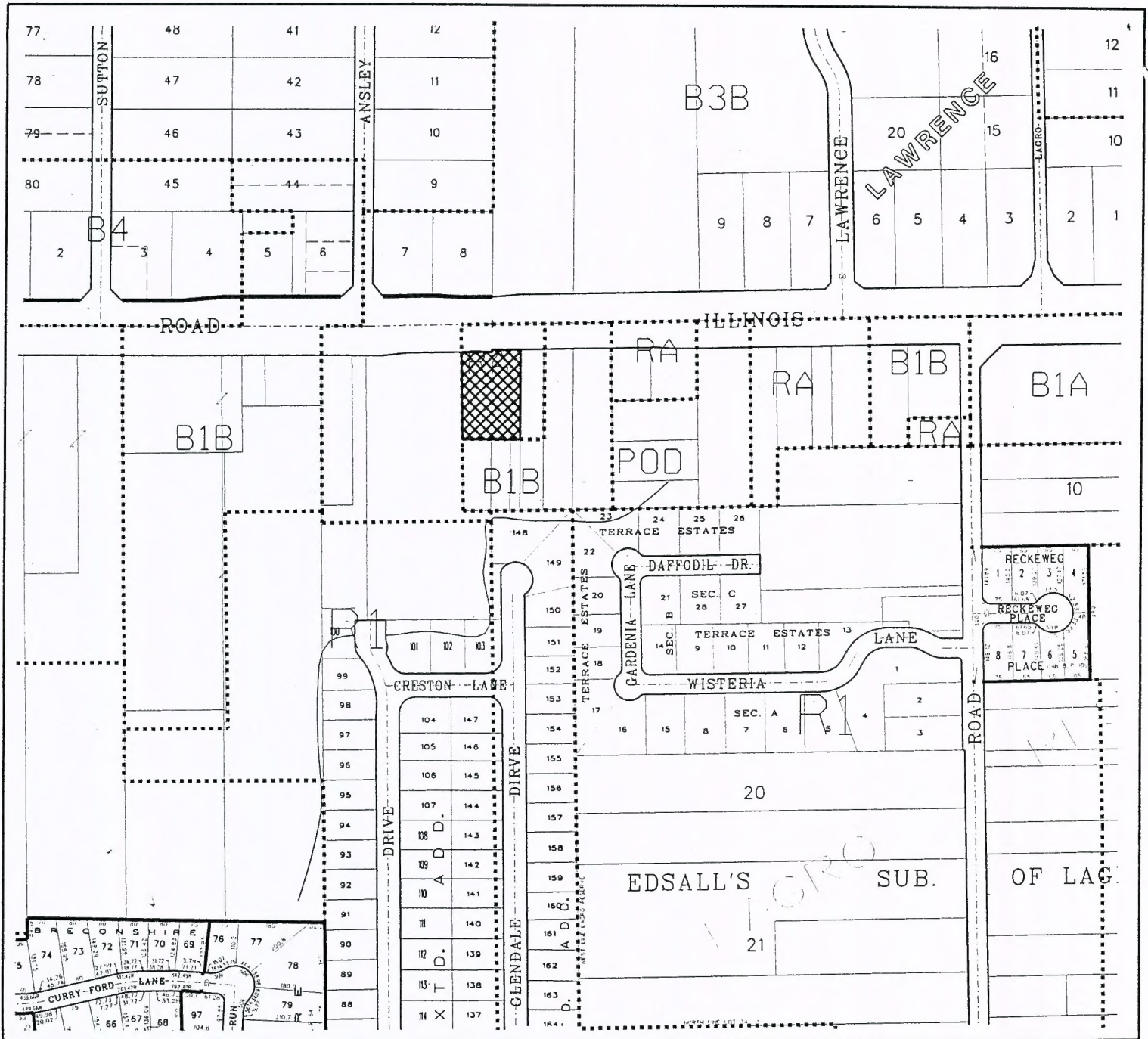
MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE)

REZONING PETITION

AREA MAP

CASE NO. *631



BILL NO. Z-97-07-22

REPORT OF THE COMMITTEE ON REGULATIONS

REBECCA J. RAVINE - THOMAS E. HAYHURST - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of
Fort Wayne Zoning Map No. F-2

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Rebecca J. Ravine

Thomas E. Hayhurst

Thomas E. Hayhurst

Martin J. Bender

Thomas E. Hayhurst

DATED: 8-12-97

Sandra E. Kennedy
City Clerk